THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.23537 OF 2005

Dated: 09-11-2005

Between

Yerkala Pandu, S/o. Shankaraiah, Occ: Agriculturist, R/o. Kongarakurd Village, Maheshwaram Mandal, Ranga Reddy District.

...PETITIONER

AND

Government of Andhra Pradesh rep. by its Secretary, Revenue Department, Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner submits that he is the owner of the agricultural land admeasuring Ac.2-14 guntas in Sy.Nos.346 & 347 situated at Kongarakurd Village, which is a patta land and he is in absolute possession and enjoyment over the said land. The third respondent – Mandal Revenue Officer has also issued Pattadar Pass Book and also ownership certificate. When he wanted to sell the said property and presented the document, the second respondent refused to entertain the said document, on the ground that the land in question, which is sought to be sold, cannot be registered in view of a complaint given by Dargha Hazarath Syed Shah Raju Hussaini Saini, alleging that the lands situated in Kongarakurd village are the INAM lands of the said Dargha. In view of the same, the present writ petition is filed.

Learned Government Pleader submits that there is no notification issued by the Government of Andhra Pradesh under Section 22-A(1) of the Registration Act, 1908,

prohibiting the registration of the documents in respect of Survey No.346 & 347, in the above said village. On issuance of such notification, the second respondent can refuse to receive the document for registration, but not as otherwise.

In view of the same, the second respondent is hereby directed to receive the document and register the same, as and when, the petitioner presented the same for registration, and for any reason, if the document cannot be registered, he has to pass appropriate orders and communicate the same to the petitioner within two weeks from the date of presentation of the said document.

Accordingly, the writ petition is disposed of at the stage of admission.

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V. ESWARAIAH, J

November 9, 2005

DSK